

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks.

Status of Claims

Claims 1-24 are currently pending in the application of which claims 1, 9, 15, 22, 23 and 24 are independent.

Claims 1-4, 7-11, 14-18 and 20-24 were rejected.

Claims 5, 6, 12, 13 and 19 were indicated as including allowable subject matter.

Summary of the Office Action

Claims 5, 6, 12, 13 and 19 were indicated as including allowable subject matter but objected to as being dependent on a rejected base claim.

Claims 1-4, 8-11, 15-18, 20 and 22-24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,944,161 to Sandell (hereinafter “Sandell”) in view of U.S. Patent No. 6,393,215 to Washisu (hereinafter “Washisu”) further in view of U.S. Patent No. 6,600,432 to Green (hereinafter “Green”).

Claims 7, 14 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sandell in view of Washisu further in view of Green and further in view of U.S. Patent Application Publication No. 2001/0014210 to Kang (hereinafter “Kang”).

The rejections above are respectfully traversed for at least the reasons set forth below.

Claim Rejections Under 35 U.S.C. §103(a)

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007):

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

As set forth in MPEP 2143.03, to ascertain the differences between the prior art and the claims at issue, “[a]ll claim limitations must be considered” because “all words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385. According to the Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007), once the *Graham* factual inquiries are resolved, there must be a determination of whether the claimed invention would have been obvious to one of ordinary skill in the art based on any one of the following proper rationales:

- (A) Combining prior art elements according to known methods to yield predictable results;
- (B) Simple substitution of one known element for another to obtain predictable results;
- (C) Use of known technique to improve similar devices (methods, or products) in the same way;
- (D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
- (E) “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
- (F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;
- (G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or

to combine prior art reference teachings to arrive at the claimed invention. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

Furthermore, as set forth in *KSR International Co. v. Teleflex Inc.*, quoting from *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006), “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasonings with some rational underpinning to support the legal conclusion of obviousness.”

Therefore, if the above-identified criteria and rationales are not met, then the cited reference(s) fails to render the claims obvious and, thus, the claims are distinguishable over the cited reference(s).

- **Claims 1-4, 8-11, 15-18, 20 and 22-24**

Claims 1-4, 8-11, 15-18, 20 and 22-24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sandell in view of Washisu further in view of Green.

Independent claim 1 recites,

A method for updating an offset in a bitstream subsequent to bitstream segment drops using a descriptor comprising descriptor data comprising a reference point in the bitstream and a numerical offset value from the reference point in the bitstream, said reference point and said numerical offset value having the ability to determine a pointer, the method comprising:

evaluating whether the offset value has been dropped from the bitstream; and . . .

The rejection of claim 1 asserts that a sequence number (SN) in Sandell is the claimed offset value. The rejection indicates that Sandell fails to teach evaluating whether the offset value has been dropped from the bitstream, but asserts that Washisu discloses this feature.

It would not have been obvious to one of ordinary skill in the art to combine the offset removal of Washisu with Sandell for the following reasons. Sandell discloses a system for transmitting circuit-switched data frames (DFs) over an ATM routing network. The DFs are converted into ATM cells and transmitted over the ATM routing network, then the data is reassembled into DFs for transmission to the destination on a circuit-switched network. See Abstract of Sandell. Sandell discloses that pointer values (PTRs) are used in a sequence of ATM cells carrying data units for the DFs. Each cell in the sequence is assigned a corresponding sequence number (SN). The PTRs indicate the delimitation position between the number of data units in the sequence of cells belonging to a current DF and to a next DF. The PTRs and SNs are carried in a second type cell (STC) in the sequence of ATM cells. If the STC is lost, the receiver of the ATM sequence estimates the SN and PTR in order to avoid loss of data units of a complete DF. See Abstract of Sandell.

The rejection correctly states that Sandell fails to teach evaluating whether an offset value has been dropped from the bitstream. However, the rejection attempts to combine the determination of removing an offset from a first signal as disclosed in column 19, lines 52-57 of Washisu in the process of reassembling DFs from ATM cells in Sandell. The offset signal of Washisu is now discussed.

Washisu discloses a camera that includes a circuit for controlling image blur due to hand vibrations when taking a picture. Washisu discloses that when a picture is taken an offset component is overlaid on a vibration signal. A vibration detection unit 116 has the function of removing the offset and noise components from the vibration signal and outputting the results to an A/D converter. See column 10, lines 38-46. Washisu discloses the offset is removed from the vibration signal to prevent the saturation of the signal from an

amplifier amplifying the output of the vibration detection device 119. See column 12, lines 23-38. The rejection asserts that evaluating whether an offset value has been dropped from the bitstream is disclosed in column 19, lines 52-57 of Washisu. This passage discloses that if the offset removal is below a predetermined value (i.e., within a predetermined range), then blur correction is performed. If the offset removal is not less than the predetermined value, then good blur correction cannot be expected. See column 19, line 46.

Firstly, it would not have been obvious to one of ordinary skill in the art to combine the offset removal determination disclosed in column 19, lines 52-57 of Washisu with the process of reassembling DFs from ATM cells in Sandell because the reassembling of DFs from ATM cells in Sandell is completely unrelated to correcting blur in a camera. There is simply no reason why one of ordinary skill in the art would look to an image blur correction circuit of a camera to improve or otherwise modify a receiver reassembling DFs from ATM cells. Secondly, the combination is inoperative. Sandell does not generate an offset removal signal overlaid on a camera vibration signal. Accordingly, if the circuit of Washisu that determines if the offset removal is below a predetermined value were combined in Sandell, the circuit would not work because Sandell does not generate a camera vibration signal overlaid with an offset signal.

Independent claims 9, 15, 22, 23, and 24 recite features similar to the feature of "evaluating whether dropped data from the compressed bitstream comprises at least a portion of the numerical offset value" recited in claim 1 and discussed above. For the reasons stated above, it would not have been obvious to combine Washisu with Sandell to teach these features.

Claim 1 recites,

performing, when the offset value has been dropped from the bitstream, at least one from a group comprising:

- shifting a portion of descriptor data to a next byte when the offset value has been dropped from the bitstream;
- shifting the portion of descriptor data to a previous byte when the offset value has been dropped from the bitstream; and
- setting the offset value to zero.

The rejection states that Washisu and Sandell fail to teach these features, but asserts Green teaches byte offset of 0 by 400 translating into shifting the offset to the left by 3 (see column 6, lines 1-3). Column 6, lines 1-3 of Green describes storing a bitsream in memory or a disk. In particular, in column 5, lines 54-61, Green discloses that in memory or a disk a bistream is stored as a bunch of bytes because a byte is the lowest level of storage in memory or a disk. Green discloses that only in a processor that the bytes are broken down into bits through keeping track of current byte offset.

Thus, Green discloses a processor breaking down bytes to bits using the current byte offset. However, the processor does not perform shifting when an offset value is dropped. Instead, the offset in Green is needed to perform the shift. Thus, Green fails to teach or suggest performing shifting when the offset value has been dropped from the bitstream, as recited in claim 1.

Independent claims 9, 15, 22, 23, and 24 recite features similar to the features of claim 1 described above that are not disclosed by Green.

For at least the above-mentioned reasons, the rejection of claims 1-4, 8-11, 15-18, 20 and 22-24 under 35 U.S.C. §103(a) should be withdrawn and these claimed allowed.

• **Claim 7, 14 and 21**

Claims 7, 14 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sandell in view of Washisu further in view of Green and further in view of Kang.

Kang fails to cure the deficiencies of Sandell in view of Washisu further in view of Green described above. Accordingly, claims 7, 14 and 21 are believed to be allowable at least for the reasons their respective independent claims are believed to be allowable.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to Deposit Account No. 08-2025.

Respectfully submitted,

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By

/Ashok K. Mannava/
Ashok K. Mannava
Registration No. 45,301
(703) 652-3822

MANNAVA & KANG, P.C.
11240 Waples Mill Road
Suite 300
Fairfax, VA 22030
(703) 865-5150 (facsimile)